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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Comments on the conceptual framework for the review of the constitutional and juridical status of the Non-Self-Governing Territories and on progress in the implementation of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples

Working paper submitted by Saint Lucia

1. The delegation of Saint Lucia wishes to take note of the conceptual framework contained in document A/AC.109/1999/20 which it regards as an important contribution to the debate on modalities to ensure a successful decolonization process in this penultimate year of the International Decade for the Eradication of Colonialism.

2. A number of ideas were expressed in the document upon which the Saint Lucia delegation would wish to comment, from its perspective of a small island developing country that gained full self-government through independence, and bearing in mind that the vast majority of the remaining Non-Self-Governing Territories are small islands in the Caribbean and Pacific.

3. In this regard, the Saint Lucia delegation wishes to offer some comments on a number of the observations and recommendations contained in the document.

Charter of the United Nations, resolutions and legal opinions

4. Note is taken of the reference, in paragraph 3 of document A/AC.109/1999/20, of the reference to resolution 742 (VIII) of 27 November 1953, by which the General Assembly approved a list of "factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government".

5. Note is also taken of the emphasis in the conceptual framework paper to paragraph 4 of the resolution, which states, *inter alia*, that "each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples".

6. Consideration should also be given to other important provisions of resolution 742 (VIII), including paragraph 6, in which the General Assembly "considers that the manner in which Territories referred to in Chapter XI of the Charter

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can become fully self-governing is primarily through the attainment of independence, although *it is recognized that self-government can also be achieved by association with another State or group of States if this is done freely and on the basis of absolute equality*" (emphasis added).

7. This prerequisite of "absolute equality" was further refined in the approval by the General Assembly seven years later in resolution 1541 (XV) of 15 December 1960, in which the Assembly defined the legitimate political status options of independence, free association and integration on this very basis of "absolute equality". In that resolution, the Assembly emphasized that the option of integration must be "on the basis of *complete equality* [emphasis added] between the people of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated". In resolution 1541 (XV) the Assembly refers directly to such individual rights as those of "equal status ... [with] equal rights of opportunities for representation and effective participation at all [political] levels". The status of free association also has important references on the basis of equality that address the right of the people to "determine [their] internal constitution without outside interference".

8. In resolution 742 (VIII), the General Assembly "reaffirm[ed] that for a Territory to be deemed self-governing ... it is essential that its people shall have attained a full measure of self-government". Further, in the annex to the resolution, which lists the factors indicative of the attainment of independence or of other separate systems of self-government, the requirement that there must be "freedom from control or interference ... in respect of the internal government (legislative, executive, judiciary and administration of the Territory)" is made clear.

9. The conceptual framework paper argues, in paragraph 7, that the "type of [political] status is even broader" than the three legitimate options contained in resolution 1541 (XV) "if one takes into account General Assembly resolution 2625 (XXV) of 24 October 1970, which States that the establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitutes modes of implementing the right to self-determination by that people".

10. It is to be emphasized that the process of developing "modes of implementing the right to self-determination" as referred to in resolution 2625 (XXV) does not constitute having achieved self-determination, which can only be attained through the three legitimate options defined in resolution 1541 (XV), and repeatedly reaffirmed by the General Assembly. Thus, the emergence of any status short of the equalities contained in the three legitimate options may be a positive step — a mode, a method or a procedure — but in no way does it constitute the attainment of full self-government. The Assembly was aware of this fact, as it never made reference to resolution 2625 (XXV) again, after it had been adopted in 1970, save the vague references to "all other resolutions and decisions on decolonization". Meanwhile, resolution 1541 (XV) has been repeatedly reaffirmed in General Assembly resolutions, most recently, in resolutions on the small Territories that have been adopted each year of the International Decade for the Eradication of Colonialism.[1]

11. Reference was made in paragraph 8 of the paper to a 1975 advisory opinion of the International Court of Justice on the issue of Western Sahara that argued that "in certain cases the General Assembly has dispensed with the requirement of consulting the inhabitants of a given Territory" in reference to an act of self-determination as "those instances were based either on a consideration that a certain population did not constitute a 'people' entitled to self-determination or on the conviction that a consultation was totally unnecessary, in view of special circumstances".

12. Such "special circumstances" are not applicable to the small island Territories under consideration by the Special Committee since democratic structures and administrative systems are the norm and are routinely utilized in conducting popular consultations, including general elections.

13. The paper took note in paragraph 9 of several of the proposals contained in the Plan of Action for the International Decade for the Eradication of Colonialism,[2] including the need for United Nations cooperation with the administering Powers to keep the people of the Territories fully informed of the political status options available to them, and the need for comprehensive reviews of the situation in each of the Non-Self-Governing Territories in order to arrange for the holding of self-determination referendums before the end of 1999.

14. The potential for resumed administering Power cooperation with the Special Committee is always welcomed, especially as it relates to the development of political education programmes to heighten the awareness of the people of the political options available to them. In this connection, the reference in the paper to the need for comprehensive reviews in each Territory prior to the conduct of referendums is also supported. It should be emphasized that the call for political education programmes in the Territories has been a major feature of General Assembly resolutions on the small Territories for decades, but these provisions have not been implemented. Similarly the conduct

of comprehensive reviews is one of the several activities of the Plan of Action for the International Decade for the Eradication of Colonialism that has also not been carried out, and is an important prerequisite to ascertaining the views of the people concerned.

15. The paper puts forth in paragraph 10 the opinion of the Under-Secretary-General for Legal Affairs that "the General Assembly did not set out specific modalities or mechanisms which would apply on a general basis to all Non-Self-Governing Territories for the exercise of their right to self-determination" and that "the General Assembly has acted on a case-by-case basis in determining whether the modalities for the attainment of self-government by the peoples concerned satisfied the requirements of the Charter and of the relevant Assembly resolutions".

16. It is important to note that the General Assembly, as recently as its fifty-third session, repeated the longstanding paragraph in resolution 53/67 A of 3 December 1998 on the small island Territories, which it "reaffirm[ed] that it is ultimately for the people of the Territories themselves to determine freely their future political status in accordance with the relevant provision of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination".

17. In the same resolution, the General Assembly called for "reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories".

18. Taking into account resolution 53/67 A and its predecessor resolutions on the small Territories, it is clear that while exact modalities for determining the views of the people are not defined, a number of options are given with the qualification that they indicate "the clear and freely expressed wish of the people". Conclusions of the regional seminars have further defined the method of ascertaining the views of the people on their political status choices, dismissing the use of general elections that are contested on economic rather than political status issues, and advocating the use of referendums.

Guidelines for action based on General Assembly resolutions and past practice

19. The delegation of Saint Lucia concurs with the view expressed in paragraph 17 of the paper that "since the initiation in 1990 of the International Decade, no Non-Self-Governing Territory on the agenda of the Special Committee has exercised its right to self-determination". It is also important to note, in that connection, that no such act of self-determination is envisaged in any of the Territories, with the exception of the processes under way in New Caledonia and East Timor.

20. The delegation also supports the view that the lack of cooperation from some administering Powers continues to be a problem, and that the Special Committee needs to take a more practical approach to the situation in the Territories. It also must be emphasized that longstanding standards of self-determination consistently reaffirmed in resolutions 1514 (XV) and 1541 (XV) remain the applicable guidelines for self-determination of the small island Non-Self-Governing Territories, and no Territory should be considered for removal from the United Nations list without first having met the parameters of full internal self-government through a legitimate act of self-determination pursuant to the relevant resolutions and decisions of the General Assembly.

21. The delegation also favours the call in paragraph 20 (a) for consultations between "interested parties and/or the action undertaken by the Secretary-General". It supports this idea, as long as those interested parties include the representatives of the peoples of the Territories themselves. Several seminars of the Special Committee have called for an expert group to be formed among the people of the Territories to advise the Secretary-General on the most suitable steps to facilitate the self-determination process. This recommendation of the regional seminars among other proposals from the people concerned needs to be implemented as a matter of urgency.

22. The delegation also concurs with the expression in paragraph 20 (c) that the constitutional status "should be the result of the exercise of the right to self-determination by the people" through the "most appropriate" modality, the organization of a referendum. The delegation maintains that such referendums should only be one of the options that provide full political equality. It would not be in conformity with the Charter, relevant human rights conventions and the relevant resolutions of the General Assembly for the people of the Territories to enter into a process that would effectively make permanent the dependency relationships.

23. There should be a reassessment of the perception that there is some other appropriate way to ascertain the views of the people other than a democratic electoral process, including the method of a "negotiation or agreement between the main organs of the Territory and the administering Power".

24. Such arrangements for basic administrative changes in the territorial relationship by either negotiation or consultation between elected leaders are routine, but such contacts do not constitute an act of self-determination involving the people of the Territory concerned, as the unilateral authority to make such administrative changes remains with the administering Power.

25. Similarly, the idea that the executive or legislative bodies of a Territory can determine for their people by legislation or executive edict that either their political status will change, or the present dependency arrangement has become legitimate, would be inconsistent with the lengthy history of participatory democracy in the small island Territories.

26. For the same reasons, the conclusion in paragraph 20 (e) of the paper that selected resolutions had indicated that "it was not formally required that the relevant people should freely express their will" would not be applicable to the small island Territories, which indeed, wish to "formally express their will" on their future political advancement.

Conclusions and recommendations

27. The conceptual paper calls in paragraph 21 for closer cooperation between the Special Committee and the administering Power "in the period left in order to proceed to the examination and when appropriate, to decide on the status of those Territories that remain on its agenda, in particular the 12 small Non-Self-Governing Territories".

28. Support for closer cooperation with the administering Power is always useful, but the delegation is of the view that the "period left" in the International Decade may not be sufficient to address the political, economic and constitutional development needs of the small Territories — especially since the studies called for in the plan of action were never carried out, and the Member States have insufficient information to review the situation. Regarding the matter of the Special Committee and the administering Power "decid[ing] on the status of those Territories that remain on its agenda", it appears that the main element that is missing is the participation of the people of the Territories themselves — it is supposed to be their decision, not the Special Committee's or the administering Powers' decision.

29. Similarly, the spectre of the "Special Committee and the ... administering Power ... decid[ing] on the procedure to follow with respect to the process and certification of self-determination of each of the Non-Self-Governing Territories" (para. 23) is equally exclusionary since it does not include any role for the representatives of the Territories to participate in this certification process.

Concluding thoughts

30. The conceptual framework document contains some interesting ideas on how the United Nations can complete its work on decolonization. In regard to the small island Territories, it should be emphasized that only those modalities that are consistent with the full participation of the people concerned through their democratic institutions are applicable, and only those political options that would give full political equality would grant the full measure of self-government consistently called for by the General Assembly in its relevant resolutions. These parameters have served as the basis for the self-determination of other small island developing countries that have gained a "full measure of self-government" through integration with full political rights, free association with mutual consent and independence.

31. Until the existent unequal dependency arrangements that remain inconsistent with full political equality are addressed, there will be a need for continued oversight by the United Nations, and for the development of a proactive United Nations approach in the time remaining in the present decade and into the next decade, when it is hoped that the required studies and analyses on the status of the individual Territories will be implemented in order to provide a basis for Member States to make informed decisions on the fully self-governing nature of the remaining small island Non-Self-Governing Territories.

Notes

[1] See General Assembly resolutions 46/68 of 11 December 1991, 47/27 of 25 November 1992, 48/51 of 10 December 1993, 49/46 of 9 December 1994 and 50/38 of 6 December 1995.

[2] A/46/634/Rev.1, annex.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 9th meeting, on 29 June 1999

Question of Tokelau

The Special Committee,

Having considered the question of Tokelau,

Recalling the solemn declaration on the future status of Tokelau, delivered by the *Ulu-o-Tokelau* (the highest authority on Tokelau) on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular, General Assembly resolution 53/66 of 3 December 1998,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the International Telecommunication Union,

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Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Also notes* Tokelau's desire to move at its own pace towards an act of self-determination;

3. *Further notes* the inauguration in 1999 of a national Government based on village elections by universal adult suffrage;

4. *Commends* Tokelau's ongoing work in charting a distinctive constitutional course, reflecting its unique traditions and environment;

5. *Also commends* Tokelau for current initiatives and endeavours, based on wide consultation with its people, to construct a true "house of Tokelau", acknowledging the role of the village as the foundation of Tokelau, as well as the need to continue the process of strengthening the basis of national self-government and the aim of establishing the capacity for economic survival in a sustainable way;

6. *Acknowledges* the attention being given to broader matters of governance, including the upgrading of financial regulations, to establish clear local channels of responsibility in national and village government;

7. *Notes* that, responding to the desire of Tokelau, the New Zealand Government has legislation in place to enable responsibility for the Tokelau Public Service to be passed from the State Services Commissioner in New Zealand to Tokelau, the timing to be set by mutual agreement when Tokelau has established a suitable local employment framework;

8. *Acknowledges* Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

9. *Welcomes* the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

10. *Also welcomes* the statement on official development assistance cooperation between New Zealand and Tokelau, setting out the direction and broad structure of New Zealand official development assistance to Tokelau, to better meet new development and governance needs in the medium term;

11. *Calls upon* the administering Power and United Nations agencies to continue their assistance to Tokelau, as it further develops its economy and governance structures within the context of its ongoing constitutional evolution;

12. *Decides* to continue examination of the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its fifty-fourth session.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 10th meeting, on 1 July 1999

Question of the Falkland Islands (Malvinas)

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995, A/AC.109/2062 of 22 July 1996, A/AC.109/2096 of 16 June 1997 and A/AC.109/2122 of 6 July 1998 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

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Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. *Reiterates* that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland;

2. *Takes note* of the views expressed by the Minister for Foreign Affairs, International Trade and Worship of Argentina on the occasion of the fifty-third session of the General Assembly;

3. *Regrets* that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects of the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. *Requests* the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

5. *Reiterates its firm support* for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. *Decides* to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 10th meeting, on 1 July 1999

Dissemination of information on decolonization

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 53/69 of 3 December 1998,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of the Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of the Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

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2. *Considers it important* to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of the Non-Self-Governing Territories;

3. *Requests* the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, *inter alia*:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of the Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. *Requests* all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 10th meeting, on 1 July 1999

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 *e* of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 53/60 of 3 December 1998, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 *e* of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

2. *Requests* the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 *e* of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

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3. *Requests* the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. *Decides*, subject to any decision that the General Assembly may take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

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Resolution adopted by the Special Committee at its 11th meeting, on 6 July 1999

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

The Special Committee,

Having considered the item entitled "Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, as well as all other relevant General Assembly resolutions, including, in particular, resolution 46/181 of 19 December 1991,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming also that any economic or other activity that has a negative impact on the interests of the peoples of the Non-Self-Governing Territories and on the exercise of their right to self-determination in conformity with the Charter of the United Nations and General Assembly resolution 1514 (XV) is contrary to the purposes and principles of the Charter,

Reaffirming further that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Aware of the special circumstances of the geographical location, size and economic conditions of each Territory, and bearing in mind the need to promote the economic stability, diversification and strengthening of the economy of each Territory,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

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Conscious also that foreign economic investment, when done in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes, could make a valid contribution to the socio-economic development of the Territories and could also make a valid contribution to the exercise of their right to self-determination,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

1. *Reaffirms* the right of peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest;

2. *Affirms* the value of foreign economic investment undertaken in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories;

3. *Reaffirms* the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources;

4. *Reaffirms its concern* about any activities aimed at the exploitation of the natural resources that are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations, in the Caribbean, the Pacific and other regions, as well as their human resources, to the detriment of their interests, and in such a way as to deprive them of their right to dispose of those resources;

5. *Affirms* the need to avoid any economic and other activities which adversely affect the interests of the peoples of the Non-Self-Governing Territories;

6. *Calls once again upon* all Governments that have not yet done so to take, in accordance with the relevant provisions of General Assembly resolution 2621 (XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in the Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises;

7. *Reiterates* that the damaging exploitation and plundering of the marine and other natural resources of the Non-Self-Governing Territories, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of those Territories;

8. *Invites* all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self-Governing Territories over their natural resources is fully respected and safeguarded;

9. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future

development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

10. *Calls upon* the administering Powers concerned to ensure that no discriminatory working conditions prevail in the Territories under their administration and to promote in each Territory a fair system of wages applicable to all the inhabitants without any discrimination;

11. *Requests* the Secretary-General to continue, through all means at his disposal, to inform world public opinion of any activity that affects the exercise of the right of the peoples of the Non-Self-Governing Territories to self-determination in conformity with the Charter and General Assembly resolution 1514 (XV);

12. *Appeals* to the mass media, trade unions and non-governmental organizations, as well as individuals, to continue their efforts to promote the economic well-being of the peoples of the Non-Self-Governing Territories;

13. *Decides* to follow the situation in the Non-Self-Governing Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interest of their peoples, including the indigenous populations, and at promoting the economic and financial viability of those Territories;

14. *Decides* to continue to examine this question and to report thereon to the General Assembly at its fifty-fourth session.

United Nations A/AC.109/1999/27

General Assembly

Distr.: General
6 July 1999

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Decision adopted by the Special Committee at its 11th meeting, on 6 July 1999

Military activities and arrangements by colonial Powers in Territories under their administration

1. The Special Committee, having considered the item entitled "Military activities and arrangements by colonial Powers in Territories under their administration" and recalling General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant resolutions and decisions of the United Nations relating to military activities in colonial and Non-Self-Governing Territories, reaffirms its strong conviction that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination, and reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn.

2. Aware of the presence of such bases and installations in some of those Territories, the Special Committee urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States.

3. The Special Committee reiterates its concern that military activities and arrangements by colonial Powers in Territories under their administration might run counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Committee once again calls upon the administering Powers concerned to terminate such activities and to eliminate such military bases in compliance with the relevant resolutions of the General Assembly.

4. The Special Committee reiterates that the colonial and Non-Self-Governing Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

5. The Special Committee deplores the continued alienation of land in colonial and Non-Self-Governing Territories, particularly in the small island Territories of the Pacific and

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Caribbean regions, for military installations. The large-scale utilization of the local resources for this purpose could adversely affect the economic development of the Territories concerned.

6. The Special Committee takes note of the decision of some of the administering Powers to close or downsize some of those military bases in the Non-Self-Governing Territories.

7. The Special Committee requests the Secretary-General to continue to inform world public opinion of those military activities and arrangements in colonial and Non-Self-Governing Territories which constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

8. The Special Committee decides, subject to any directives that the General Assembly may give in this connection at its fifty-fourth session, to continue to consider the item at its next session.

United Nations A/AC.109/1999/28

General Assembly

Distr.: General
7 July 1999

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 12th meeting, on 6 July 1999

Special Committee decision of 11 August 1998 concerning Puerto Rico

The Special Committee,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

Considering that the decade of the 1990s was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and the seventeen resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

Recalling that 25 July 1999 marks the one hundred and first anniversary of the intervention in Puerto Rico by the United States of America,

Recalling the diverse initiatives taken by the political representatives of Puerto Rico and the United States in the past ten years, which have not expedited the process of decolonization of the people of Puerto Rico,

Aware that Vieques Island, Puerto Rico, has been used for over fifty years by the United States Marines to carry out military manoeuvres, thus limiting access by the civilian population to a space scarcely a quarter of the island, and having an impact on the health of the population, the environment and the economic and social development of the Territory,

Noting the consensus among the Puerto Rican people on the urgency to halt military manoeuvres on Vieques Island and on the return of occupied land to the people of Puerto Rico,

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Also noting the consensus among the people of Puerto Rico in favour of the release of Puerto Rican prisoners who, for more than fifteen years, have been serving sentences in United States prisons on cases related to the struggle for Puerto Rico's independence,

Having heard statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

Having considered the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,[1]

1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own and unequivocal national identity;

3. *Reaffirms its hope*, and that of the international community, that the Government of the United States of America will assume its responsibility of expediting a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee on Puerto Rico;

4. *Encourages* the Government of the United States, in line with the need to guarantee to the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, to order the halt of its armed forces' military drills and manoeuvres on Vieques Island and to return the occupied land to the people of Puerto Rico;

5. *Expresses its hope* that the President of the United States will consider favourably the request before him to release the Puerto Rican prisoners serving sentences in United States prisons on cases related to the struggle for the independence of Puerto Rico;

6. *Notes with satisfaction* the report prepared by the Rapporteur,[1] in compliance with its resolution of 11 August 1998;[2]

7. *Requests* the Rapporteur to report to the Special Committee in the year 2000 on the implementation of the present resolution;

8. *Decides* to keep the question of Puerto Rico under continuous review.

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[1] A/AC.109/1999/L.13.

[2] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 23* (A/53/23), chap. I, para. 41.